

REPORT - PLANNING COMMISSION MEETING
May 13, 2004

Project Name and Number: **MAPLE STREET RESIDENTIAL COMMUNITY (PLN2003-00200, PLN 2004-00027, PLN 2004-00028)**

Applicant: James Silverwood, Affirmed Housing Group

Proposal: To consider a Precise Planned District rezoning (P-2003-200) for nine single-family homes located in the Centerville Planning Area. To consider a Preliminary Grading Plan & Tentative Tract Map for the combined single family and multi-family elements of the Maple Street Residential project located at Baine Avenue, Maple Street and Hansen Avenue in the Centerville Planning Area.

Recommended Action: Recommend the Precise Planned District application to City Council;
Approve the Grading Plan and Tentative Tract Map, based on Findings and Conditions

Location: 37237, 37217, 37225 Maple Street and 4179 Baine Avenue, Centerville Planning Area

APN: 501-0499-085-02, 501-0499-086-00, 501-0499-087-02, 501-0499-088-00

Area: Total project area: 5.4 acres; (Single family project area: 0.97 acres)

Owner: Fremont Family Housing Partners LP and Redevelopment Agency of City of Fremont

Agent of Applicant: Ken Rohde, KTG Y Group
Jill Williams, KTG Y Group
Michael Schweitzer, Masson & Associates, Inc

Environmental Review: A Mitigated Negative Declaration has been adopted as part of the General Plan Amendment approved under PLN2003-00200.

Existing General Plan: High Density Residential (27-35 units per acre); Medium Density Residential (6.5 – 10 units per acre)

Existing Zoning: Preliminary & Precise Planned District for the multi-family portion (P-2003-0200) CSPC; Preliminary Planned district (P) CSPC for the single-family portion

Existing Land Use: Undeveloped property, existing single-family residence, car-wash, and a multi-tenant building with automobile repair uses.

Public Hearing Notice: Public hearing notification is applicable. 375 notices were mailed to owners and occupants of property within a minimum radius of 1000 feet from the site on the following streets: Peralta Boulevard, Allen Court, Fremont Boulevard, Dusterberry Way, Maple Street, Elm Street, Oak Street, Holly Street, Post Street, Joseph Street, Gillett Road, Bonde Way, Rose Court, Beloveria Court, Baine Avenue, Thornton Avenue, Hansen Avenue, Central Avenue, Tomasek Terrace. The notices to owners and occupants were mailed on April 29, 2004. A Public Hearing Notice was delivered to The Argus newspaper on April 26, 2004 to be published by April 29, 2004.

Background and Previous Actions: On June 24, 2003 the City Council approved a General Plan Amendment, an amendment to the Centerville Specific Plan from low density residential (5-7 dwelling units per acre) to high density residential (27-35 dwelling units per acre).

On July 1, 2003, the City Council approved the Preliminary and Precise Planned District (PLN2003-200) CSPC for the multi-family portion of the project area including 132 units, podium parking and surface parking, a 4,264 SF community building and associated play areas and social area. The approval also included a Preliminary Planned District approval for nine single-family units along Hansen Avenue.

Project Description: The applicant is requesting approval of a Precise District for the development of nine single-family dwelling units along Hansen Avenue, and approval of Tentative Tract Map 7477 and a Preliminary Grading Plan for the combined residential development of 132 multi-family units and the nine single family units.

Single-Family Precise Planned District

A Preliminary Planned District for nine single-family homes along Hansen Avenue was approved by City Council on July 1, 2003. Approval in principal of the preliminary site plan was limited to the general applicability of the land use proposed and their interrelationship, and not the precise location of uses, configurations of parcels or engineering feasibility. A condition of approval required the applicant to receive Precise Planned District approvals for the single-family portion prior to issuance of building permits for the multi-family portion of the development.

The Precise Planned District for the nine single-family homes is before the Planning Commission to specifically address site design and architecture based on the City's Small Lot Design Guidelines. The site design would accommodate nine single-family market rate homes and help make the transition between the approved multi-family (132 unit) residential development and the existing residential neighborhood adjacent to Hansen Avenue. The nine lots would average 4,081 square feet, with the smallest being 4,000 square feet and the largest measuring 4,497 square feet. House sizes would average about 1,440 square feet (excluding garage area) to 2,095 square feet. Several plans represent different styles including Craftsman, Cottage and Bungalow styles.

The site design would accommodate two (2) three bedroom, two bathroom units, three (3) three-bedroom, three bathroom units and four (4) three bedroom, three-bathroom and one office (den) units. All units will be sold as market rate housing. The site is surrounded by single-family residential to the north, railroad track and retail commercial uses to the south, automobile related commercial uses to the east, and single-family residences, a Montessori school and a church to the west.

Tentative Tract Map

The applicant is requesting approval for a Tentative Tract Map to create 10 lots. Nine small-lot single-family detached lots are proposed along Hansen Avenue and one 4.2-acre lot intended for the 132-unit multi-family apartment development.

Grading Plan

The proposed development requires approximately 8,500 cubic yards of cut, mostly for the underground parking structure for the apartment structure, and 9,500 cubic yards of fill. Because the proposed grading exceeds 1,000 cubic yards, the applicant has submitted a Preliminary Grading Plan for Planning Commission review and approval.

General Plan Conformance:

The applicant's request to construct 9 dwelling units on the project site is over Step 1 density and meets the midpoint density of the range. The proposed project (Preliminary Planned District) was considered complete prior to the implementation of the 2003 Housing Element and therefore, is not required to meet the mid-point number of 8 units. Staff believes the proposed use and design, as conditioned, is consistent with the General Plan designation, because the project meets General Plan Housing and Land Use Goals and Policies as follows:

The existing General Plan land use designation for the single-family portion of the project is Medium Density residential, 6.5 – 10 units per acre. Based upon the above land use designation, the development potential for the project site is as follows:

Step 1:	0.97 acres	x	6.5 units/acre	=	6 dwelling units
Step 2:	0.97 acres	x	8 units/acre	=	8 dwelling units
Step 3	0.97 acres	x	10 units/acre	=	10 dwelling units

The proposed plan shows 9 single-family lots along Hansen Avenue and is 3 units above the Step 1 density.

The Precise Planned District meet General Plan Housing and Land Use Goals and Policies as follows:

Goal H1: Conservation and enhancement of existing residential neighborhoods.

Goal H2: High quality and well-designed new housing of all types throughout the city.

Analysis: The proposed Precise Planned District is compatible with these two housing goals. The proposed land use has the potential to enhance the existing residential community by providing well-designed residential buildings, parking and landscaping. The project implements this goal in that the site plan and building design demonstrate that nine units developed on the project site in a manner that provides sufficient setbacks, parking and circulation, open space and landscaping. The proposed design will enhance the pedestrian orientation and character of the existing neighborhood. The site design, building scale and orientation also provide appropriate transitional design between the existing single-family neighborhood and the multi-family development proposed to the South.

Goal H3: Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the City.

Analysis: The single-family component will be made available to the public at market rate. The small scale of the homes will help add to the housing stock.

Land Use Policy LU 1.11: The proposed project is compatible with this land use policy, which states, “Appropriate transitions shall be encouraged between higher density residential areas and lower density residential areas. Transition can be composed of streets, setbacks, open space, landscape and site treatments, building design and/or other techniques.”

Analysis: The surrounding land uses are existing single-family residential (5-7 du/acre) and commercial. The proposed development offers a transition between the lower density single-family homes located on Maple, Elm Oak and Holly Street by introducing nine new single-family homes off of Hansen Avenue.

Land Use Policy 1.13: Buildings shall be designed to provide for maximum feasible visual and auditory privacy for each unit through the use of site design, open space, landscaping and appropriate building materials.

Analysis: Site development of the small lots is consistent with the small-lot design guidelines. The lots generally provide adequate setbacks to ensure visual and auditory privacy. All residential units incorporate high quality design and building materials.

Objective H2.2: Well designed new housing consistent with the scale and character of the existing neighborhoods.

Analysis: Staff believes that the homes are generally in keeping with the scale of the neighborhood and that the proposed architectural character reflects the range of architectural designs found in Centerville.

Small lot Design Guidelines

Lot size and one story / two story mix is regulated by Sec. 8-21811.1 of the Fremont Municipal Code.

Minimum Lot Size:

Required: A minimum of 4,000 square feet.
Proposed: Minimum lot size 4,000 square feet
Comment: The lot sizes proposed vary from 4,000 square feet to 4,497 square feet with an average size of 4,081 square feet, and are in compliance with the ordinance.

One Story Units:

Required: A minimum of 15 percent of units shall be one-story.
Proposed: Two units out of 9, or 22 percent of units will be one-story.
Comment: In compliance with ordinance.

Consistency with Small Lot Design Guidelines. Small lot developments are analyzed for compliance with the City's Design Guidelines for Small Lot Residential Developments, under four categories – site planning, lot planning, building design and open space planning. The applicant has prepared analysis of the project in relation to the Guidelines and it is included in Commissioners packets.

Lot Plan, Building Configuration

Lot Sizes: As stated above, the lots range in size from 4,000 square feet to 4,497 square feet with the average lot size being 4,081 square feet. The average lot size in the surrounding area ranges between 5,340 square feet to 6,750 square feet. Large commercial lots are also adjacent to the project area.

Floor Area Ratio: The Design Guidelines state that the maximum average or base floor area ratio (FAR) for the entire project should be 0.5 with the maximum FAR for any one lot being 0.7. The Guidelines do state, however, that the FAR may be raised to 0.6 overall for the entire project at the discretion of the City. Information from the applicant states that the overall FAR for the project is 0.58 with the maximum for any one lot at 0.65.

Setbacks and Building Separation: The purpose of building setbacks is to ensure appropriate building separations and to provide yard spaces that are useable. The design guidelines call for varied setbacks to provide a more interesting street view. However, certain minimum standards are also prescribed. The project design proposes front yards that range from 10 to 13 feet with encroachment of porches to within 7 feet. This is consistent with Design Guideline 2.2.1. The street side yards for corner lots are required to comply with front yard setbacks.

As noted in the Design Guidelines, the single most important feature impacting the streetscape and appearance of residential neighborhoods is the location and design of off-street parking and garages. The guidelines encourage home designs that minimize the negative impact of garages and drive-way aprons on the streetscape. The guidelines require that a maximum of 50 percent of units have standard driveways and aprons and no two standard driveways be located next to each other. Two homes (or 22 percent) have standard driveway aprons and curb cuts. The two are not located adjacent to each other. The remainder (seven units) have rear garages and narrower driveways and curbcuts. There are no "semi-recessed" garages. However, because of the larger percentage of rear garages, this mix of garage locations and driveway designs is consistent with the Design Guidelines.

According to the applicant, and as shown on Sheet L1, trellises and concrete pavers are used to create some visual interest. In addition, porte cocheres (over driveways on lots 2, 4, 6,8) are proposed (Condition C-4).

Yards: Small lots should incorporate large and small open spaces. Proposed front yards vary from 7 feet (not including a 6 to 7 foot deep porch) to more than 10 feet. All lots have a porch and 8 X 12 front courtyard area. With a gate on the driveway, this area would provide a safe play or patio area. All units meet the minimum back yard requirement of 15 feet by 20 feet, with seven of the nine units having rear yards of 15 by 30 feet and one lot having 58 feet X 15 feet and the other measuring 63 feet X 15 feet.

Building Design: Elements, Materials, Color

Building Sizes: Four different floor plans and six different home designs, including a single story plan, are proposed. The proposed houses vary in size from 2,010 square feet to 2,748 square feet including the garage. The area and room compositions of the residences are as follows:

Plan 1 – Lot 3	One-story	1,894 s.f. (415 s.f. garage)	3 bedroom/2 bath
Plan 1 – Lot 9	One-story	1,855 s.f. (415 s.f. garage)	3 bedroom/2 bath
Plan 2	Two story	2,378 s.f. (514 s.f. garage)	3 bedroom/3 bath
Plan 3	Two-story	2,559 s.f. (464 s.f. garage)	3 bedroom/3 bath + office

The distribution of the house types is as follows:

Plan 1:	2 units (22 percent)	Lots: 3, 9
Plan 2:	3 units (33 percent)	Lots: 4, 6 and 8
Plan 3:	4 units (45 percent)	Lots: 1, 2, 5 and 7

Architectural Styles: The applicant describes the architecture of the homes as reminiscent of the Cottage, Craftsman, and Bungalow styles. (See enclosed Planned District Justification Statement and Architectural Summary). Plan 1 picks up elements of the Cottage style with simple gable end enhancements with the use of two types of siding, additional window trim for shadowing (with 2 X on edge at head and sill), traditional window mullion pattern in upper half of single-hung windows, and a solid porch rail reminiscent of the neighborhood and appropriate to the corner lot condition. The other Cottage style (plan 1) home in the proposed development (Lot 3) has a steeper pitch roof, vertical proportioned windows with a single vertical mullion in single-hung windows, shutters and window boxes and open railing. Both of these Cottage style homes will have lap siding and are one-story. Plan 2, the Cottage style for lots 4 and 8, have a steeper pitch roof, vertical proportioned windows with a single vertical mullion in single-hung windows, window boxes, open railing at a large sitting porch. Plan 2, lot 6 is a Bungalow two story with a stucco finish. This design incorporates a low pitch roof and large overhangs, a single vertical mullion is upper half of windows and shutters. Plan 3, the bungalow styles with a siding finish, has low pitched gabled roofs with tapered outlookers (an extended portion of roof that creates a protective overhang, to which the soffit and fascia boards are attached) and large overhangs, open trellis columns, overlap of head and sill trims, mullions in upper half of single-hung windows, and enhanced sill details. The Craftsman style homes have full wrap siding with mitered corners, large overhangs with exposed tails, decorative cut barge rafters and tapered window jamb trims. In addition, porte cocheres (over driveways on lots 2, 4, 6,8) are proposed (Condition C-4). The houses are analyzed not as examples of a specific style of architecture, but more for the variety they include in size, scale and detailing. The scale and massing of the homes are discussed in the section below.

Massing/Articulation: The purpose of Guideline sections 3.1 and 3.2 was to include a variety in massing and to minimize perceived density of two story neighborhoods. The variety of massing is to be achieved by defining a range of ratios of second floors to first floors. The guidelines state that a minimum of 15 percent of the residences should be one-story homes, 30 percent could have a small second story (maximum 30 percent of the first floor), 30 percent could have a medium second story (maximum 50 percent of the first

floor area) and the remaining 25 percent of the homes could include a larger second floor (maximum of 75 percent of the first floor area).

	Plan 1 (lot 3)	Plan 1 (lot 9)	Plan 2	Plan 2 (alternative)	Plan 3
% of units in the project	11%	11%	33%	33%	44%
First floor	1894	1855	1611	1775	1546
Second floor	N/A	N/A	767	646	1013
Ratio of 2nd to 1 st floor	N/A	N/A	48%	36%	65%

Analysis:

15 percent of homes required to be one-story = 22% (2) provided
 25 percent of homes allowed a 75% 2nd story = 44 % (4) provided at a 65% 2nd story
 30 percent of homes allowed a 50% 2nd story = 33% (3) provided at a 48% 2nd story
 30 percent of homes allowed a 30% 2nd story = 27 % (0) provided

The proposal exceeds the number of single story homes and complies with the Guidelines in terms of the number of units with a medium size second story and a larger second story. The proposal does not provide a plan with a small second story. However, the applicant argues that instead of providing a plan with a 30 percent second story, the largest home has a second story FAR somewhat smaller than that allowed by the Guidelines. Plan 2 and 3, the applicant surmises, do not meet the absolute specifics of the 2nd floor ratio, but meet the intent. The applicant contends that the ratios as proposed are done to create very useable floor plans that will function for families and create the massing in the street scene that is desired. The applicant has provided an alternative design labeled (Plan 2 alternative) which would provide 3 homes at a 36% 2nd story instead of the 48%, and it increases the floor area by only 129 square feet maintaining a 0.58 FAR. This plan basically increases the 1st floor size from 1097 to 1213 square feet and reduces the 2nd floor size from 767 to 646 square feet.

The applicant states the following reasons why both the increase in overall floor ratio and the variation of the 2nd floor area should be granted:

- The design offers seven of nine homes with a rear yard garage with a side drive therefore diminishing the overall massing of the home and more closely blending with the existing neighborhood;
- Separations between 2nd floors exceed the 15' minimum (the separations between the 2nd floors of plans 2 and 3 range from 15' to 39');
- Six unique elevations are offered for nine lots;
- Nine color schemes have been selected for no repetition;
- Superior exterior detailing, authentic to the style and appropriate to the neighborhood.

Materials: The Design Guidelines require all developments with over four homes to include at least two primary building materials (a primary material is defined as a material used on a minimum of 67 percent of the entire building façade.) Alternatively, the Guidelines suggest that all buildings could incorporate a minimum of 33 percent of a secondary material on each façade. The community asked the applicant and staff to revise original drawings to develop design schemes that will be in context with the existing neighborhood. Specifically, the applicant was asked to simplify the designs so that they are reflective of the proportions, detailing, use of materials and color in the existing homes. The applicant responded by designing homes that maintain a material use that is consistent on all four sides without mixing stone wainscoting or blending stucco and siding on the same home. The porch details are smaller in scale and more reflective of the existing neighborhood. All homes are proposed to have composition shingle roofing rather than a mix of materials such as flat concrete tile. As proposed, the project includes four homes with a stucco finish and the remaining five will be constructed with lap siding. Staff supports the use one primary building material for each home since it meets the interests of the community and it is compatible with the architectural simplicity found in the existing neighborhood. A condition of approval has been added to require

the applicant to work with staff to decide on appropriate window colors for the proposed vinyl windows (Condition C-9).

Colors: Color should be used to provide visual variety within a neighborhood. The Design Guidelines state that a minimum of two colors from different color families should be used for the development. The applicant has proposed a different color scheme for each of the nine small lot homes (color and material boards will be available at the public hearing). A condition has been added that the applicant should continue to work with staff to prepare a final set of colors during Development Organization review (Condition C-5).

Design details: The elevations included in Exhibit B show design details including brackets and arbors, window sills, window shutters, and pop-outs on the Craftsman and bungalow-style units; decorative trusses, slender porch posts, and bay windows on the more Victorian styles homes; and a large-scale balcony, arbor and shutters on the Monterey style home. Staff believes that the following changes in the building design are necessary to enhance the project:

Changes applicable to all elevations

- The detailing should be consistent on all sides of the building. If shutters are used on the front elevation, shutters should be included in appropriate locations on the other three sides. The trim and sill detailing should be consistently used on all sides of the building.
- Ensure that trellis at garage/driveway is substantial. Provide additional details of the porch design and work with staff to ensure details are consistent with design theme.

These changes have been incorporated as conditions of approval for the project and staff will continue to work with the project architect to refine details as proposed based on direction and input from the Planning Commission (Condition C-7). Additional detailing and design changes may be required if found appropriate during staff's Development Organization review of the larger-scaled construction drawings (Condition C-8).

- **Zoning Regulations:** The proposed project is a rezoning from Preliminary Planned District (P) to Planned District P-2003-200. As previously discussed, the proposed Planned District for the combined nine single family units is consistent with the existing General Plan density requirements with General Plan goals and policies. The Zoning Ordinance provides standards for area, coverage, density, yard requirements, parking and screening for Planned District uses shall be governed by the standards of the residential, commercial or industrial zoning districts most similar in nature and function of the proposed P District use(s) as determined by the applicable ordinances and law of the city. Exceptions to these standards by the Planning Commission and City Council are possible when the bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or result thereof. This particular development is analyzed for compliance with the City's Design Guidelines for Small Lot Residential Developments.

Staff believes that the current site, architecture, grading, and landscape plans have adequately addressed staff comments and concerns; that effective conditions of approval have been incorporated to resolve any remaining, outstanding issues; and that the project, as conditioned, merits all proposed deviations from the Fremont Municipal Code.

- **Planned District Justification and Analysis:** The applicant is proposing the Planned District zoning in order to allow the development of the site at a density that is 3 units over Step 1. Section 8-21810 of the FMC states that such increases in density shall only be allowed when a proposed project contains certain amenities that the Planning Commission and City Council find to be in excess of those required for standard development. The amenities proposed with this project as justification for the Planned District rezoning and higher density, in accordance with Section 8-21811(e) of the FMC, are:

- Overall high quality architecture, landscaping, and hardscaping
- A variety of architectural, designs, color schemes, setbacks and lot sizes is used wherever possible in order to avoid a monotonous streetscape and to provide a varying visual open space along the street.
- Acts as a transitional area between the 132 multi-family affordable housing development and the existing single-family neighborhood.
- Section 8-21811(d) of the FMC further states:

“Standards for area, coverage, density, yard requirements, parking and screening for P district use(s) shall be governed by the standard of the residential, commercial or industrial zoning district(s) most similar in nature and function to the proposed P district, as determined by applicable ordinances and laws of the City [i.e. R-G – Garden Apartment Residence]. Exceptions to these standards by the planning commission and the city council are possible when these bodies find that such exceptions encourage a desirable living environment and are warranted in terms of the total proposed development or unit thereof.”

Based on the above justifications, as well as the below analysis of required findings, staff believes that the proposed project merits rezoning to Planned District to allow the proposed density level, as well as the Small Lot Design Guidelines.

An overview of the required Planned District Findings (per FMC Sec. 8-21813) and staff comments are provided below for Planning Commission review. These findings are further incorporated into the Findings and Conditions of Approval (Exhibit “C”) for the project. Findings are as follows:

- (a) The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.

Staff Comment: The project can be completed within this period of time.

- (b) Each individual unit of development, as well as the total development can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district.

Staff Comment: The proposed residential land use is consistent with the General Plan designation. The applicant has incorporated many features including significant landscaping and hardscaping designs, high quality design and construction for the residential units.

- (c) The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the "P" district.

Staff Comment: A traffic study was conducted and concluded that the overall evaluation of the intersection level of service, signal warrants, and vehicle queuing showed that the project would have no significant impact on traffic conditions off-site. No mitigation measures are required. The proposed project will install complete street improvements along the project frontage.

- (d) Any proposed commercial development can be justified at the locations proposed to provide for adequate commercial facilities of the types proposed.

Staff Comment: The proposed project is a residential project, and this finding is not applicable.

- (e) Any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council.

Staff Comment: Through the Planned District process, the applicant is requesting approval of modifications to the Zoning Ordinance. As discussed previously, the applicant has incorporated many features that warrant an exception to the standard ordinance requirements.

- (f) The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

Staff Comment: The area surrounding the development is fully developed.

- (g) The "P" district is in conformance with the General Plan.

Staff Comment: The project conforms to the General Plan density, as well as the goals and policies of the Land Use and Housing Elements. This finding can be made.

- (h) That existing or proposed utility services are adequate for the population densities proposed.

Staff Comment: The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.

- **Open Space/Landscaping:** The applicant is proposing the following planting materials for the nine-single family home development:
 - Planting of street trees specifically Chinese Hackberry along Hansen Avenue.
 - Shade trees (over 30' in height) including Eastern Redbud and Purple Leaf Plum and accent trees (over 15' in height) namely Flowering Cherry and Crape Myrtles are proposed in the side yards.
 - Over 37 types of shrubs are proposed and 6 types of vines are proposed in front and side yards.

All previous conditions of approval for the entire site (including multi-family portion) regarding tree mitigation measures and relocation are applicable. These mitigation measures were included in the original approval for the Preliminary & Precise Planned District for the multi-family portion and the Preliminary Planned District for the single-family portion.

- **Parking:** Parking for the single-family residential subdivision is in enclosed garages (at least two spaces per unit) and on driveways (all units allow two cars to be parked in the driveway apron). On street parking is also allowed on Hansen Avenue.
- **Subdivision Analysis:** The subdivider has proposed a tentative map to create 10 lots. There are nine small-lot single-family detached lots along Hansen Avenue and one 4.2-acre lot intended for the multi-family apartment development. In order to facilitate funding and development of the project, the subdivider has indicated, and City staff concurs, that multiple final maps may be filed on the proposed tentative map. One such map would be a final map creating the apartment lot (Lot 10) and another lot that could be later subdivided into the nine single-family lots (lots 1-9). Conditions relating to the filing of multiple final maps have been incorporated into the tentative map approval.
- **Circulation/Access Analysis:** Hansen Avenue, Maple Street, and Baine Avenue surround three sides of the project site. All nine of the single-family lots front on Hansen Avenue, with one of the lots being a corner

lot at the Maple Street intersection. All vehicular and pedestrian access to the nine single-family lots is proposed from Hansen Avenue. Vehicular access to the multi-family units is proposed via two new driveways on Baine Avenue. The driveways are approximately 150 feet and 530 feet from the Maple/Baine intersection. On-site vehicular circulation consists of a drive aisle loop connecting the two driveways. Pedestrian access is provided by connections to the public sidewalk on both Maple Street and Baine Avenue.

- **Street Improvements:** The project site has frontage on three existing public streets: Hansen Avenue, Maple Street, and Baine Avenue. Street improvements are required for each street and were conditions as part of the Planned District (PLN2003-00200). The following summarizes the previously conditioned street improvements and street right-of-way dedications (if any) for each street:
 - Hansen Avenue is designated a collector street in the Centerville Specific Plan and in the General Plan, and shall be improved to meet the residential collector street standard with a 60-foot right-of-way width. Right-of-way dedications and street improvements are required along Hansen Avenue. Required street improvements shall include, but are not limited to, installation of pavement, curb, gutter, landscaping, sidewalk, streetlights, fire hydrants, storm drain facilities, and undergrounding of existing overhead utilities.
 - Maple Street is a collector street with an ultimate right-of-way width of 60 feet. The 60-foot right-of-way for Maple Street already exists. Required street improvements include, but are not limited to, installation of pavement, curb, gutter, landscaping, sidewalk, streetlights, fire hydrants, storm drain facilities, and undergrounding of existing overhead utilities.
 - Baine Avenue is a minor residential street bounded on the south side by Union Pacific Railroad tracks. The Centerville Specific Plan, including discussion about Subarea 4, does not specifically address Baine Avenue, but Subarea 4 and the General Plan designation is residential. The existing railroad tracks limit the potential to widen Baine Avenue to the south; therefore the project will dedicate approximately seventeen feet of right-of-way to provide for a street right-of-way of forty-seven feet (exclusive of the railroad right-of-way).

In accordance with the previously approved Planned District, the Baine Avenue pavement width shall be 34 feet. The developer is required to install complete street improvements over the full Baine Avenue width, including curb and gutter on the south side of Baine Avenue. The required street improvements are similar to those for Hansen Avenue listed above.

- **Grading / Topography:** The project site is approximately 5.4 acres in size, of which approximately 2.4 acres is improved with two single-family detached homes and an industrial building with parking lot. The remaining 3 acres is vacant. The applicant is proposing to demolish the existing on-site improvements to accommodate this project. The site is relatively flat, with surface elevations that vary between 53.7 feet at Maple Street down to 48.5 feet along the western boundary, next to the Montessori School. Finished floor elevations for all buildings are approximately 2 feet above grade, except for Building 1, which has underground parking. The underground garage finished floor elevation for Building 1 is approximately 5 feet below grade. The project civil engineer has estimated the overall grading quantities for the project to be 8,500 cubic yards of cut, mostly from the underground parking structure, and 9,500 cubic yards of fill. Because the proposed grading exceeds 1,000 cubic yards, the subdivider has submitted a Preliminary Grading Plan application, subject to Planning Commission review and approval, along with the Tentative Tract Map application.
- **Drainage:** Existing storm drainage facilities for this project consist of storm drain pipes in both Maple Street and Hansen Avenue. There are no existing storm drain facilities within Baine Avenue down stream and adjacent to the project site, therefore the project is proposing a public storm drain to run from Baine Avenue

to Hansen Avenue through the project site. A minimum ten-foot wide public storm drain easement is required through the multi-family lot and between Lot 1 and Lot 2. The public storm drain between Lot 1 and Lot 2 shall be to minimize the potential for future maintenance within these single-family residential lots. Additional catch basins may be required along Baine Avenue to collect flow from the gutter and divert it into an underground storm drain main.

The on-site storm drain system is proposed as a series of typical catch basin inlets and underground pipes. Additionally, the applicant is proposing to install approximately 1,100 linear feet of bioswales (grassy swales) and micro-detention basins on the multi-family site. The bioswales serve to convey storm water while at the same time providing the opportunity for treatment of storm water runoff, which can carry pollutants, especially from parking lots.

The Alameda County Flood Control and Water Conservation District (District) facility pertinent to this site is the Zone 5, Line F-5 project. The District has indicated that the design of Line F-5 may not have accounted for the amount of impervious surface proposed with this project. Storm drain mitigation measures may be required to accommodate augmented runoff from the project. The on-site and off-site storm drain system is not approved at this time, but shall be reviewed and approved by the City Engineer and Alameda County Flood Control and Water Conservation District prior to final map approval.

- **Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. Adopted regulations require discharges of storm water associated with new development and construction to submit a Notice of Intent (NOI) to the State of California for activities disturbing more than one acre of land. The NOI is to include the development and implementation of a storm water pollution prevention plan emphasizing best management practices. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Applicable Fees:

- **Development Impact Fees:** The project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park dedication-in-lieu, park facilities, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance. The applicant will be entitled to a fee credit for commercial multi-tenant structure and car wash which were previously located on the site as well as the existing single-family house.
- **Planned District Amenity Fees:** Planned District amenity fees would normally be applicable to this project for the three units above Step 1 density. Total amenity fees for this project calculate to \$25,200 (\$8,400 X 3 units). One half of the fees may be used for improvements onsite, such as upsizing trees (except for the required 48 inch box trees, which are mitigation measures) or providing special paving treatments. The other half of the fees shall be used offsite, based on Assistant City Manager, Planning Commission, and City Council direction. The offsite amenity fees could be used to serve the immediate area by helping fund the sidewalk, curb, and gutter improvements along Hansen Avenue (the area that is not directly in front of the project area). Staff has included this suggestion as a condition of approval (Condition A-6).

Recycling & Waste Management: This project involves residential construction and shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas

for collecting and loading trash and recyclable materials. The applicant is proposing individual trash and recycling receptacles for each property.

Environmental Analysis: On June 24, 2003, the City Council approved the General Plan Amendment and Mitigated Negative Declaration. The Mitigated Negative Declaration included mitigation measures, which, if implemented, would reduce the identified impacts to non-significant levels. The mitigation measures have been included as conditions of approval for this project and have been applied to the plan.

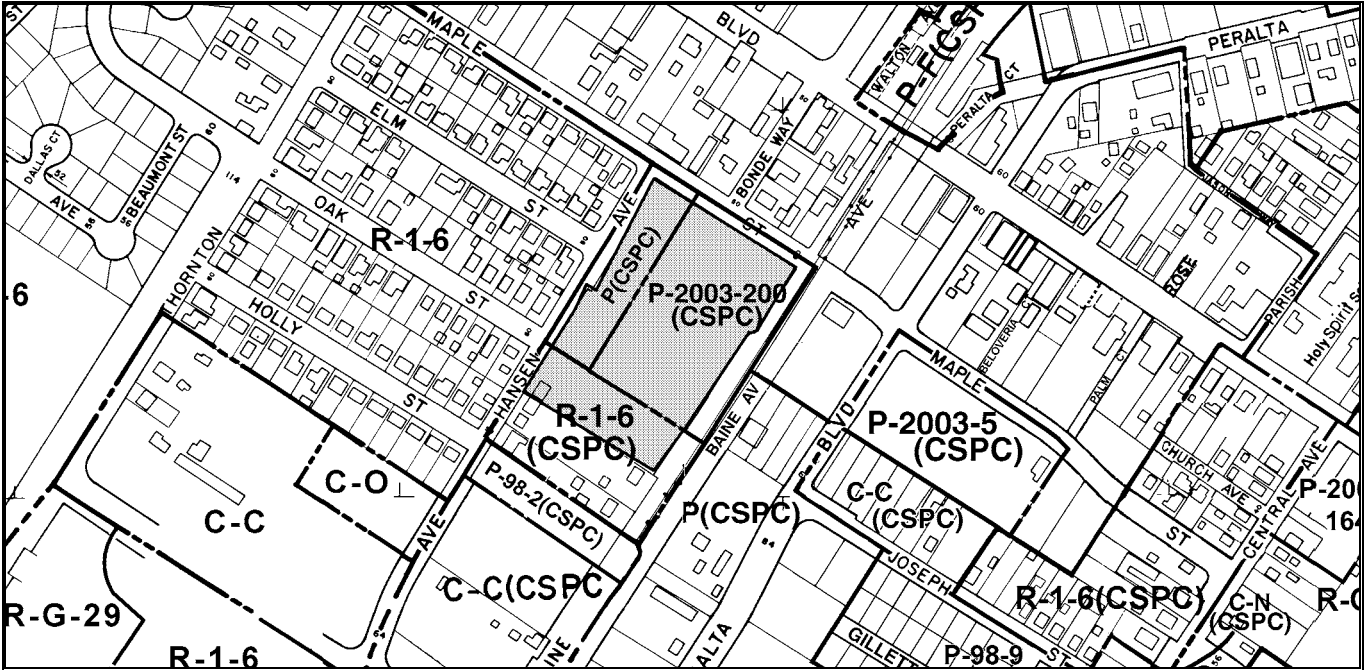
Response from Agencies and Organizations: No outside response or comment had been received at the time of publication of this report.

Enclosures:	Exhibit "A"	Rezoning
	Exhibit "B"	Site, Architecture, Landscape Plans
	Exhibit "C"	Planned District Findings and Conditions of Approval
	Exhibit "D"	Tentative Tract Map
	Exhibit "E"	Tentative Tract Map Conditions of Approval
	Exhibit "F"	Preliminary Grading Plan
	Exhibit "G"	Preliminary Grading Plan Conditions of Approval
	Informational	Planned District Justification Statement
	Informational	Comparison Chart to the Design Guidelines for Small Lot Single-Family Residential Developments
Exhibits:	Exhibit "A"	Rezoning
	Exhibit "B"	Site, Architecture, Landscape Plans
	Exhibit "D"	Tentative Tract Map
	Exhibit "F"	Preliminary Grading Plan
	Exhibit "H"	Color and Material Sample Board

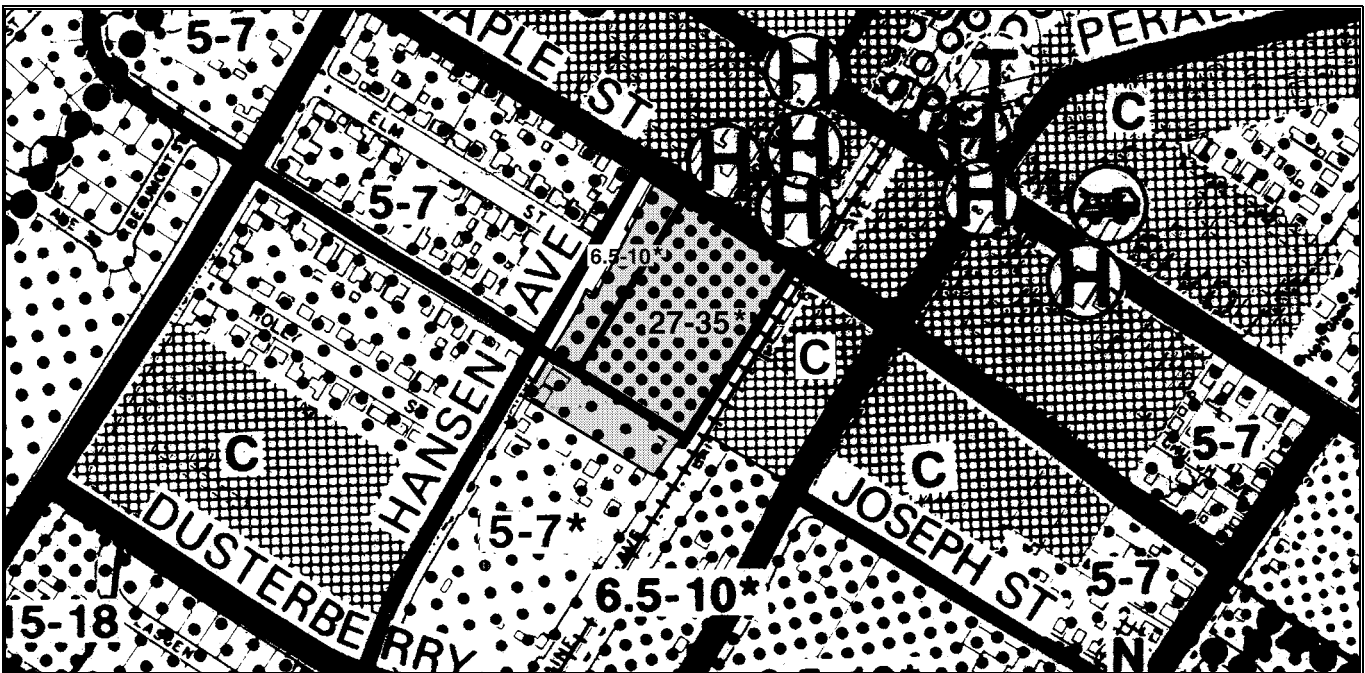
Recommended Actions:

1. Hold public hearing.
2. Find PLN2003-00200 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use, and Housing Elements as enumerated within the staff report.
3. Recommend PLN2003-00200 to the City Council in conformance with Exhibit "B" (Site, Architecture, Landscape Plans), Exhibit "A" (Rezoning Exhibit), Exhibit "C" (Planned District Findings and Conditions of Approval), Exhibit "H" (Color and Material Sample Board).
4. Find PLN2004-00027 (Preliminary Grading Plan) & PLN2004-00028 (Tentative Tract Map 7477), as per Exhibit "F" (Preliminary Grading Plan) and Exhibit "D" (Tentative Tract Map 7477) fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Approve Preliminary Grading Plan (as shown in Exhibit "F") and subject to findings and conditions in Exhibit "G", and Tentative Tract Map 7477 (as shown in Exhibit "D") and subject to findings and conditions in Exhibit "E".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan



**EXHIBIT "C" of PLN2003-00200
Maple Street Residential Community
Single-family Development**

FINDINGS

Based on the information in the staff report and from the Public Hearing on May 13, 2004, the Planning Commission finds as follows:

- (a) The proposed "P" district, or a given unit thereof, can be substantially completed within four years of the establishment of the "P" district.
- (b) That each individual unit of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under another zoning district because the Planned District process provides for modifications to the zoning standards which result in a superior project, as conditioned.
- (c) That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and the project will not generate traffic in such amounts as to overload the street network outside the "P" district because the traffic consultant concluded that the overall evaluation of the intersection level of service, signal warrants, and vehicle queuing showed that the project would have no significant impact on traffic conditions off-site. No mitigation measures are required. The proposed project will install complete street improvements along the project frontage.
- (d) That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the precise site plan, in accord with adopted policy of the Planning Commission and City Council. Based on the incorporation of superior architecture and landscaping, this project, as conditioned, is found to meet this requirement.
- (e) That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development. This is an infill development, and all of the other land surrounding this site has already been developed.
- (f) That the "P" district is in conformance with the General Plan of the City of Fremont. The project conforms to the General Plan land use designation of Medium Density Residential (6.5 to 10 dwelling units per acre) and is consistent with and implements the goals and policies of the Land Use and Housing Chapters of the General Plan.
- (g) That existing or proposed utility services are adequate for the population densities proposed. The site is well served by utilities. None of the responsible utility companies have stated they will be unable to provide the required services to the site.
- (h) All public improvements or facilities required as a part of this approval are directly attributable to the proposed development, and are required for reasons related to public health, safety and welfare.

CONDITIONS

General Conditions

- A-1 The project shall conform to staff amended Exhibit "B" (Site, Architecture, and Landscape Plans), Exhibit "H" (Color and Material Sample Board), and all conditions of approval set forth herein. The maximum number of units shall not exceed 9 units, and shall be generally distributed as shown in Exhibit "B".
- A-2 Plans shall be submitted to the Development Organization for review and approval to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-3 Minor modifications to the approved building designs, elevations and colors may be made, subject to review and approval of the Assistant City Manager or his/her designee if such modifications are in keeping with the architectural statement of the original approval. However, the Assistant City Manager shall retain the authority to determine the level of review required, including a Planning Commission review.
- A-4 The project shall be subject to all Citywide development impact fees. These fees may include, but are not limited to, fees for fire protection, park dedication, park facilities, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance. The applicant will be entitled to a fee credit for commercial multi-tenant structure and car wash which were previously located on the site as well as the existing single-family house.
- A-5 A deed restriction shall be recorded for all lots with single-story units prohibiting second-story additions. The deed restrictions shall be recorded at the time of the final map as part of the covenants, conditions and restrictions (CC&R's), as well as noted in the conditions of approval for the said P district.
- A-6 The offsite amenity fees could be used to serve the immediate area by helping fund the sidewalk, curb, and gutter improvements along Hansen Avenue (the area that is not directly in front of the project area).
- A-7 **All provisions of the Mitigated Negative Declaration and the previous PLN2003-00200 conditions of approval apply to this project.** These Mitigation Measures include:

MITIGATION MEASURES INCLUDED IN THE PROJECT TO AVOID POTENTIALLY SIGNIFICANT IMPACTS:

(These mitigation measures are those found in the approved Mitigated Negative Declaration for applicable for both the single-family development and the multi-family development).

Aesthetics – Mitigation #1: To ensure that there are no impacts to adjacent properties, on-site light fixture design, height, intensity and direction shall be designed and oriented to ensure that there is no creation of glare or spilling of light beyond property boundaries. This shall include the use of low-intensity lights that are placed at the edges of the site and oriented inwards. Lights shall be further screened inward, as necessary, and they shall be designed to meet the minimal required foot-candle intensity for the site. Implementation of this mitigation measure will reduce the identified impact to a non-significant level.

Air Quality – Mitigation: To mitigate the identified air quality impacts of grading and construction, the following mitigation measures will be incorporated into the project:

Mitigation #2: The project shall comply with dust suppression measures. Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions. Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage. Paving shall be completed as soon as is practicable to reduce time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the

ground shall be re-vegetated to minimize the generation of dust. Street sweeping shall be conducted to control dust and dirt tracked from the project site off site. A person shall be designated to oversee the implementation of dust control. In terms of demolition activities, the applicant will be required to receive the appropriate approvals from all regulatory agencies, including a "J" number from the Bay Area Air Quality Management District (BAAQMD).

Biological Resources - Mitigation: To mitigate the identified potential impacts of grading and construction, the following mitigation measures will be incorporated into the project:

Mitigation #3: Because portions of this project site will have remained fallow for some time, no earlier than thirty days prior to commencement of any site grading, discing, testing or clean-up required by project mitigation measures, a site investigation shall be completed by a qualified wildlife biologist to determine if site conditions have changed sufficiently to support burrowing owls. If burrowing owls are present, all work shall cease until the wildlife biologist has recommended appropriate actions to be taken to protect the owls. The applicant shall be responsible for the implementation of the protective actions, including relocation, prior to the commencement of any site work. The site investigation shall be subject to the approval of the Assistant City Manager.

Cultural Resources – Mitigation:

Mitigation #4: Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5 (e) and (f) will be followed to reduce impacts to a non-significant level.

Geology & Soils – The following mitigation measures will be incorporated into the project:

Mitigation #5: A geotechnical study shall be prepared by the applicant at the building permit review stage. The study will ensure that the structures are built to minimize potential seismic safety issues as much as possible. Typical recommendations in such a study include the importation of non-expansive fill soil for the building pads, increased foundation trenching depths done relative to a non-expansive site, and appropriate surface soil compaction.

Mitigation #6: All structures will conform to the appropriate sections of the Uniform Building Code.

Mitigation #7: Any contaminated or suspect soil excavated for site development purposes will need to be tested prior to reusing or removing soil from the site.

Mitigation #8: The grading and soils will be reviewed for conformance with the Grading Ordinance of the Fremont Municipal Code at the Development Organization review stage.

Mitigation #9: Implementation of appropriate erosion control measures during construction will minimize the amount of sedimentation leaving the project site and reduce the significance of such erosion.

Hazards and Hazardous Materials – To mitigate the identified impacts, the following mitigation measures will be incorporated into the project:

Mitigation measure #10: All existing facilities that will be converted to another use, shall be remediated to a level acceptable to regulatory agencies of any reported hazardous materials and properly closed as required by regulatory agencies prior to the issuance of building permits. The applicant, on-site contractors, agents or representatives, shall immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

Mitigation measure #11: Excavated soils, known to be contaminated, shall be characterized prior to off-site disposal or reuse on-site. Any contaminated or suspect soil excavated during site development will need to be segregated and tested prior to reusing or removing the soil from the site.

Due to the future residential use of the property SCS recommends removal of the phenol-impacted soils exceeding residential RBSL's (Residential Risk-Based Screening Level). Alternatively, a human health risk assessment could be performed to further evaluate the risks associated with phenol.

Mitigation measure #12: The project will also require site approval, during development, to ensure that the design layout and construction of buildings will not interfere with any emergency response plans or emergency evacuation plans or a health hazard.

Mitigation measure #13: Asbestos and lead based paint will be handled in compliance with statutory requirements.

Hydrology and Water Quality – Mitigation:

Mitigation #14: Standard water pollution and erosion control measures following Best Management Practices will be implemented to prevent runoff and sedimentation from entering the channel. Emphasizing storm water Best Management Practices (BMP) intends to achieve compliance with the goals of the Alameda Countywide Clean Water Program (ACCWP), in conformance with the Federal National Pollutant Discharge Elimination System (NPDES) program established by the Clean Water Act.

Noise –Mitigations measures include the following: (multi-family)

Mitigation #15: Frames of windows and glass sliding doors must be caulked with resilient sealant to provide an airtight seal. Also, a bead of resilient caulking must be applied to window casings before installation.

Mitigation #16: The minimum STC for all windows of bedrooms facing Baine Avenue where maximum instantaneous level of interior noise of 50 dBA is allowed is 45 STC points. Other rooms in the units, where the maximum instantaneous level of interior noise not to exceed 55 dBA can be fitted with windows having an STC rating of 40 points or better.

Mitigation #17: An alternative to using heavy acoustic windows to achieve the required STC 45 and 40 performance would be to install a double set of exterior windows and/or sliding doors with medium STC ratings in the order of 26-29 points and a separation of 4" to 6" between window assemblies.

Mitigation #18: In order to have an exterior wall design which does not compromise the sound isolation to be provided by the exterior windows, either the outside cladding is to be made out of a heavy material such as 7/8" layer of cement stucco of the interior gypsum layer is to be attached to resilient channels (RC channels), or both. If the exterior wall cladding is a made out of EIF or Fiber Cement Boards, RC channels will also be necessary.

Mitigation #19: As the interior noise criteria can only be met with exterior windows and doors in the closed position, the units should be provided with a ventilation system which provides adequate airing such windows may be kept closed at the discretion of the occupants in order to control exterior to interior noise transfer. Such system must not compromise the sound isolation rating of the building shell.

Mitigation #20: In order to mitigate noise entering the units through exhaust vents, use a minimum 5' of insulated flexible air duct in all exhaust vents.

Mitigation #21: No attic ventilation louvers should be facing areas of high exterior noise, preferably. Otherwise, all attic ventilation louvers must be fitted with an acoustic plenum internally lined with 2" thick acoustic plenum liner.

Mitigation #22: Hours of construction shall be limited to 7 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 6 p.m. Saturday. No construction shall be permitted on Sundays.

Vibration: (multi-family)

Based on the guidelines outlined by the FTA, the ground-borne vibration may exceed the dBV levels. The following mitigation measures applied in combination will bring the vibration level to a level that is minimally perceptible and not intrusive to all units in the subject property.

Mitigation #23: Increase the setback to the tracks to an appropriate distance to a vibration level that is minimally perceptible and not intrusive to all units in the subject property. Currently, as measured the typical 76-79 dBV measured at 80' setback from the tracks drops down to about 69-74 dBV at a setback of 160' and to about 63-67 dBV at 320'. Setbacks should be considered based upon credible and reasonable analysis of train scenarios, taking into account train, size, type, speed and frequency.

Mitigation #24: In order to minimize the amplification effect, the natural resonance frequency of floors can be increased by using deeper joists than the typical 2" x 10" or 2" x 12". This mitigation measure is commonly known as floor stiffening. Alternatively, floor/ceiling assemblies could be built using concrete and steel framing instead of wood.

Mitigation #25: The mass of the foundation could be increased to produce a larger coupling loss effect between it and the soil. In addition, the perimeter of the foundation (the entire building footprint) can be mechanically isolated from the surrounding soil by means of a lightweight material such as a 4" thick layer of Styrofoam so as to introduce a barrier break for vibration waves close to the surface and to support the building from a point as deep as possible into the ground where surface-generated vibration is slightly lower than close to the surface.

Mitigation #26: Supporting the structure on piles instead of spread footings could be an option for mitigation, but this alternative would also require a significant stiffening of the floors so as to minimize resonance amplification.

Mitigation #27: A base isolation consisting of introducing natural rubber bearing pads at each supporting point of structure could also be used as a mitigation method. The design would have to include precompressed lateral restraint pads to account for seismic activity. In addition, stiffening of the floor and the foundation will also be necessary so as to not to compromise the isolation potential of the rubber bearings.

A-9 The applicant will continue to work with staff to determine the appropriate mitigation measures to deal with the anticipated vibration levels. A series of mitigation measures were listed in the Mitigated Negative Declaration ranging between increasing setbacks to changes in building design. Staff will continue to work with the applicant and a vibration consultant to determine which mitigation measures will be implemented that would allow for a vibration level that is minimally perceptible and not intrusive to all units in the subject property. Should the mitigation measures cause substantial changes to the approved building design or site plan, the applicant will be required to return to Planning Commission and City Council for approval.

Site Planning

B-1 Lighting associated with the project area shall be subject to staff review and approval during the Development Organization review process, and shall be of a pedestrian scale, and residential and decorative nature.

- B-2 All mechanical equipment, such as backflow preventers and A/C units, shall also be located so as not to be visible from any public or private right-of-way, subject to staff review and approval. Utility locations are not approved at this time.

Building Design

- C-1 All mechanical equipment (i.e. air conditioning units or similar) shall be screened from view from adjacent public and private rights-of-way, on-site parking, and neighboring residential properties.
- C-2 Final building design, colors and materials shall be consistent with Exhibit "B" (Site, Architecture, and Landscape Plans) and Exhibit "H" (Color and Material Sample Board), subject to staff review and approval during Development Organization review. The applicant shall work with staff on defining architectural details and materials, and on the final choice of colors.
- C-3 Raised trim shall be provided at all exterior windows and doors, subject to staff review and approval. The trim shall be natural wood or painted wood, and shall not be stucco or stucco-covered foam.
- C-4 Porte cocheres over driveways on lot 2,4,6,8 will be incorporated into the design.
- C-5 The applicant will continue to work with staff to prepare a final set of colors during the Development Organization process.
- C-6 Ensure that the trellis at the garage / driveway is substantial. Provide additional detailing to the porch design and work with staff to ensure details are consistent with the design scheme.
- C-7 Staff will continue to work with the project architect to refine details as proposed based on direction and input from the Planning Commission.
- C-8 Additional detailing and design changes may be required if found applicable during Development Organization review of the larger scaled construction drawings.
- C-9 Applicant to work with staff to decide on appropriate window colors.

Landscaping

- D-1 Branches from mature trees may not overhang buildings and roofs. Adequate space to plant trees adjacent to buildings must be provided in the following minimum ways:
- a. Small trees (to 15 feet tall) no closer than six feet from building with a minimum planting area 5 feet wide.
 - b. Medium trees (to 30 feet tall) no closer than ten feet from building with a minimum planting area 6 feet wide.
 - c. Large trees (above 30 feet tall) no closer than 15 feet from building with a minimum planting area 6 feet wide, preferably 8 feet wide.
- D-2 Tree #159, Magnolia grandiflora, and tree #141, Schinus molle, are proposed by the applicant to be relocated. These trees shall be moved with a minimum 16-foot boxed rootball and will not be stored on site for more than 24 hours before replanting. Final relocation plan shall be reviewed and approved by the City Landscape Architect with the assistance of an arborist selected by the city, at the expense of the applicant. If trees are moved without an approved relocation plan, the applicant will be subject to cash mitigation up to the appraised value of the trees should they fail or become damaged. If trees are moved in accordance to an approved relocation plan, the applicant will be subject to 24" box size tree replacement.

- D-3 Thirty-six (36) protected trees are approved for removal with the minimum mitigation. Since the capacity of the site for trees is met with the Planned District zoning, mitigation shall be to plant thirty-six required street trees at 24"-box size. Exact trees to be planted at 24" box size will be approved by the Development Organization.
- D-4 All street trees not affected by mitigation measures shall be 24 inch box size.
- D-5 A landscape plan shall be submitted to the Development Organization for review and approval, indicating full details regarding (1) paving materials and textures of walkways, (2) lighting of walkways and driveways with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and parkway areas. As part of the landscape plan the applicant shall submit to the Development Organization:
- a. An underground irrigation plan.
 - b. Weed control specifications.
 - c. A lighting plan for the illumination of the building, driveways and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - d. Construction details of raised planters, walkways, paths, benches, walls, fences, trellises, and other architectural features as appropriate.
- D-6 All walls shall be designed, detailed, and finished to be compatible with the proposed architecture of the project. All walls shall be heavily landscaped (on both sides if applicable). This may include vines, shrubs, and trees to minimize their visibility and to help prevent graffiti, subject to staff review during the DO process.
- D-7 The height and location of fences shall be reviewed for conformance with Zoning Ordinance requirements and compatible design during the Development Organization review process. The applicant shall work with staff to refine the details of fencing and other architectural details as necessary through this process.

During Construction/ Grading

- F-1 The applicant shall notify Planning staff of the construction schedule. At the time of installation of framing and prior to stucco/siding, the applicant or a representative of the applicant, shall request an on-site inspection by the project planner, to ensure compliance with the architectural detailing of the residences.
- F-2 Construction activities shall be limited to the following hours of operation:

7 a.m. to 6 p.m. Monday through Friday

9 a.m. to 6 p.m. Saturday

Failure to comply with the above-described hours of operation may result in the suspension of building inspections.

Fire Department Conditions

The Fire Department will review plans and specifications at the tract and building permit stage to ensure compliance with all applicable codes and policies. The following conditions are preliminary and will be subject to staff review and approval:

- H-1 The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes.

- H-2 Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13D
- H-3 The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- H-4 Address must always be visible from a Public Street.
- H-5 The applicant shall meet all requirements in the 2001 California fire code and all local amendments to that code in Ordinance #2485.
- H-6 The applicant shall install an automatic fire sprinkler system in all building for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station.
- H-7 The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of public and on-site fire hydrant locations.
- H-8 The applicant must immediately notify the Fremont Fire Department, Hazardous Materials Unit of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

Environmental Services Conditions

- I-1 Identify total amount of impervious surface area that will be generated by the development (roofs, parking lots, driveways, private streets, walkways, etc.) on the plans submitted to the Development Organization or on forms provided for this purpose.
- I-2 Bio Swales: provide the City with the following documents for review:
 - a) Sizing calculations and design detail
 - b) Operations and Maintenance plan describing how the swales will be permanently maintained, maintenance schedule, and responsible party for maintenance.

Construction and demolition (C & D) debris management:

- J-5 Environmental Services Division will review the demolition and construction permit applications before permits are issued.
- J-6 Applicant must complete and file a Project Waste Management Plan with the Environmental Services Division prior to beginning any demolition or construction.
- J-7 After completing the project, the applicant must document actual salvage and diversion by filling in and returning the Post-Project Waste Disposal & Diversion report to Environmental Services.

**EXHIBIT "E" of
Maple Street Residential Community
Tentative Tract Map 7477
PLN2004-00028**

FINDINGS

1. The proposed map satisfies the requirements and conditions imposed by the Subdivision Map Act and the City of Fremont Subdivision Ordinance, because the procedural requirements of the Map Act are being followed and the proposed lots conform to the standards as stipulated in the Planned District (P-2003-00200) zoning district.
2. The proposed subdivision, together with the provisions of its design and improvement, is consistent with the General Plan because the proposed development conforms to the requirements of the General Plan land use designation for the site. Furthermore, the project is consistent with the *Small Lot Guidelines for Residential Development*.
3. The site is physically suitable for the type and proposed density of the development, because it is surrounded by other residential and is designed to be compatible with its surroundings.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because of the design and location of the development.
5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems, because the review process of the subdivision has taken those concerns into consideration and has found the proposal in conformance with the City of Fremont's policies.
6. The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Acquisition of any new easements will be required prior to the acceptance of the Final Map for this project.

TENTATIVE TRACT MAP CONDITIONS OF APPROVAL:

1. The project shall conform with Exhibit "D", staff amended Tentative Tract Map 7477 (PLN2004-00028), all conditions of approval set forth herein, all conditions of approval of Planned District PLN2003-00200.
2. Approval of this Tentative Tract Map 7477 (PLN2004-00028) shall be effective only after City Council approval of the Precise Planned District PLN2003-00200, in accordance with the previously adopted Negative Declaration under CEQA.
3. Approval of this Vesting Tentative Map shall expire according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Fremont Municipal Code consistent with the State Subdivision Map Act.
4. This Vesting Tentative Map may employ multiple phased Final Maps which shall be prepared in accordance with state and local laws.
5. The streetlight plan and joint trench plan shall be submitted by the applicant with the first subdivision plan check for the street improvement plans. The final streetlight plan and joint trench plan shall be completed prior to final map approval.

6. The developer shall request P.G.&E. to commence with the design of the utility underground work for the proposed development after the Planning Commissions approval of Tentative Tract Map 7477.
7. Precise geometry and location of all driveways shall be subject to approval of the City Engineer. The driveways on Baine Avenue shall be modified type "E" driveways.
8. Any development on the newly created lots will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities, park facilities, and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected prior to building permit issuance.
9. In accordance with Section 66474.9(b) of the Subdivision Map Act, the subdivider shall defend, indemnify, and hold harmless the City of Fremont or its agents, officers, or employees from any claim, action, or proceeding against the City of Fremont or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Fremont, advisory agency, appeal board, or legislative body concerning a subdivision, which action is brought within the time period provided for in Section 66499.37 of the Government Code.
10. The City of Fremont shall promptly notify the applicant of any claim, action, or proceeding to attack, set aside, void, or annul, its approval and shall cooperate fully in the defense thereof.
11. All new utility service connections, including electrical and communications, shall be installed underground.
12. The developer shall underground all existing overhead utility lines along the public street frontage of the project in accordance with the City of Fremont's Utility Underground Ordinance.
13. The developer, at time of initial sale, shall provide to the buyer information on good housekeeping of hazardous products, i.e. proper use and disposal, prohibited discharge practices, etc. Informational materials will be furnished by the City.
14. A deed restriction shall be recorded for all lots with single-story units prohibiting second-story additions. The deed restrictions shall be recorded at the time of the final map as part of the covenants, conditions and restrictions (CC&R's), as well as noted in the conditions of approval for the said P district.

Landscaping Department:

- L-1 The applicant shall provide sufficient area for the planting of trees in planters containing bio-swales subject to staff approval. In areas where bio-swales are in planters with width less than 10' the base of the swale shall not be greater than one foot wide.
- L-1 The applicant shall work with staff during Tract Improvement Plan Review to ensure location and type of plant material within the bio-swales shall conform to NPDES guidelines

Hazardous Materials Condition:

- H- 1 The applicant shall investigate and remedy all known soil, and if needed, groundwater contamination (if any) prior to issuance of building permits. This may include development of a Human Health Risk Assessment (HHRA) approved by the Department of Toxic Substances Control (DTSC) and or the Regional Water Quality Control Board (RWQCB).

SUBDIVIDER PLEASE NOTE:

The fees, dedications, reservations and/or other exactions imposed on this project are those listed in the foregoing conditions of this tentative tract map approval. The subdivider is hereby notified that the 90-day period in which the subdivider may protest these fees, dedications, reservations and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval of this tentative tract map. If the subdivider fails to file a protest within this 90-day period complying with all the requirements of Government Code Section 66020, the subdivider will be legally barred from later challenging such actions.

EXHIBIT "G"
Maple Street Residential Community
Preliminary Grading Plan
PLN2004-00027

FINDINGS:

No report of approval may be made unless the reviewing agency makes the following findings:

1. The proposed project described in the application will not have an appearance, due to the grading, excavation, or fill, substantially and negatively different from the existing natural appearance.
2. The proposed project described in the application will not result in geologic or topographic instability on or near the site. Based on geologic information available, the site is not in a special studies zone. There are no fault zones or evidence of landslides on the site which might be aggravated by the grading of the development. A soil study will be done and submitted to the City with the Final Map.
3. The proposed project described in the application will not endanger public sewers, storm drains, watercourses, streets, street improvements, or other property; will not interfere with existing drainage courses; and will not result in debris being deposited on any public way. The adequacy of the existing sewer, water and drainage facilities proposed for the project has been reviewed by the different utility agencies. The proposed development will not alter or obstruct the natural flow from abutting properties or divert drainage from its natural watershed. The applicant will be required to submit a plan to control erosion and siltation during and after construction for review and approval by the City Engineer.
4. Conformity, where applicable, to special concerns relating to the adopted Seismic Safety Element and concerns shown on maps issued by the U.S. Geological Survey and the California Division of Mines and Geology shall be accomplished at time of final map. Supplemental data and substantiation of conclusions may be required by the public works director upon city review of the reports. Geologic analysis has been completed, as required by the Alquist-Priolo Earthquake Fault Zoning Act, which concludes there are no fault zones or evidence of slides on the site which might be aggravated by site grading, and development of the property is appropriate for the proposed project, nor is there evidence of presence of any fault or active slides per maps issued by the U.S. Geological Survey and the California Division of Mines and Geology.
5. The proposed project described in the application will not unacceptably affect the health, safety, and or welfare of adjacent residents or landowners, nor the citizens of Fremont.

PRELIMINARY GRADING PLAN CONDITIONS OF APPROVAL:

1. The project shall conform to Exhibit "F", Preliminary Grading Plan (PLN2004-00027), all conditions of approval set forth herein, and all conditions of approval of Tentative Tract Map 7477 (PLN2004-00028).
2. Approval of this preliminary grading plan does not extend to the final detailed design approval necessary to be accomplished in connection with the development plans.
3. Approval of this preliminary grading plan shall run concurrent with the approval and subsequent extensions of Tentative Tract Map 7477.
4. The developer shall provide for a functional drainage system subject to approval of the City Engineer and Alameda County Flood Control and Water Conservation District.

5. Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.

Landscaping Department:

- L-1 The applicant shall provide sufficient area for the planting of trees in planters containing bio-swales subject to staff approval. In areas where bio-swales are in planters with width less than 10' the base of the swale shall not be greater than one foot wide.
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